IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 5314 OF 2007

IN

FIRST APPEAL NO. 1873 OF 2007

Babu Kondi Bhoir. .. Applicant.

vs.

Dinkar Genu Walhekar & Ors. .. Respondents.

Mr. Sugandh Deshmukh for Applicant.

Mr. Uday B. Nighot for respondents.

..

CORAM: J.N. PATEL &

A.A. SAYED, JJ.

DATE: 22ND OCTOBER, 2007.

P.C.

. This is an application for clarification/ modification of our order dated 9.7.2007 wherein we have permitted the respondents to withdraw the amount of compensation as awarded on furnishing surety.

2. The apprehension expressed by the learned counsel for the applicant is that the surety which is required to be furnished does not cover the amount of

interest which would accrue due to passage of time. We make it clear that it is for the Reference Court to assess the said liability while accepting the surety and furnishing surety to ensure restitution of the amount of compensation with accrued interest in case the appellant fails. Needless to say that the permission to withdraw the amount of compensation as awarded is subject to the decision of this appeal.

3. The civil application stands disposed of accordingly. No order as to costs.

(J.N. Patel, J.)

(A.A. Sayed, J.)